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Letter dated 4 November 2002 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

On instructions from my Government I have the honour to transmit a response, dated 1 November 2002, by the Government of Uganda on the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Matia Mulumba **Semakula Kiwanuka**
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Annex to the letter dated 4 November 2002 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

The response by the Government of the Republic of Uganda to the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo

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I: INTRODUCTION

1. On request of the UN Security Council on 2 June 2000, the Secretary General of the UN established the 1st UN Panel on the Illegal Exploitation of the Natural Resources and other forms of Wealth in the DRC, chaired by Mme Ba N'Daw of Ivory Coast. The UN Security Council discussed the report of the UN Panel, which accused Uganda of involvement in the illegal exploitation of the natural resources of the DRC on 3 May 2001. The Security Council agreed with the presentation by Uganda (S/2001/458) that the Mme Ba N'Daw report was based on hearsay and lacked corroborative evidence to back its conclusions and recommendations. It welcomed the decision by Uganda to set up an independent Judicial Commission of Inquiry into the allegations of illegal exploitation of the natural resources of the DRC.

2. The UN Security Council mandated the 2nd UN Panel chaired by Ambassador Kassem (Egypt) to prepare an addendum to the report containing, inter alia, a more in-depth analysis based, **as far as possible on corroborated evidence on allegations and conclusions raised and to the comments and reactions of states and actors cited in the report of the panel.** The Addendum report of December 2001 acknowledged Uganda's legitimate security concerns in the DRC and concluded that neither the Uganda government nor its companies were involved in the illegal exploitation of natural resources in the DRC. The Addendum report and Uganda's response (document S/2001/1163) were discussed in the UN Security Council on 14 December 2001.

3. The UN Security Council requested the UN Secretary General to renew the mandate of the Kassem Panel to prepare a report that would include, inter-alia:

(a) An update of relevant data and analysis of further information from relevant countries, including in particular from those countries that had not provided the UN Panel with requested information.

(b) An evaluation of the possible actions that could be taken by the Council in order to help bring to an end the plundering of natural resources of the DRC, taking into account the impact of such actions on the financing of the conflict and potential impact on the humanitarian and economic situation of the DRC.

(c) Recommendations on specific actions that the international community, in support of the Government of the DRC, might take, working through existing international organizations mechanism and the UN bodies, to address the issues in the report and its addendum.

(d) Recommendations on possible steps that might be taken by transit countries as well as end users to contribute to ending illegal exploitation of the natural resources of the DRC.

4. The UN Security Council also urged Governments named in the previous reports to conduct their own inquiries and to cooperate fully with the UN Panel.

5. The UN Panel chaired by Ambassador[1] Kassem visited Uganda from 3rd-6th March 2002, and was given maximum cooperation by government. The Panel met Hon. E. Kategaya, 1st Deputy Prime Minister/Minister of Internal Affairs; Hon. Amama Mbabazi, Minister of Defense; Hon. tom Butime, Minister of State for Foreign Affairs; Hon. Muruli Mukasa, Minister of State for Security; the Directors general of the External and Internal Security Organisations; and a group of technical officials. The Panel also held meetings with member of the Porter Commission. Subsequently, the Porter Commission and the Kassem Panel exchanged information and visits.

[1] Other members of the Panel included: Mr Jim Freedman (Canada); Mr. Mel Holt (USA); Mr. Bruno Schiemsky (Belgium); Mr. Moustapha Tall (Senegal); Mr. Gilbert Barthe (Switzerland - Technical Advisor); Ms. Elodie Cantier-Aristide (France – Political Assistant); and Ms. Hannah Taylor (USA – Political Assistant).

Key Elements of the Response to the Final Report of the UN Panel

6. The response of the Government of the Republic of Uganda to the Final Report as contained in the document covers the following chapters:

- Introduction: background to the Final Report of the UN Panel.
- The positive aspects and flaws of the Final Report.
- Response to allegations against the Government of Uganda/UPDF.
- Response to allegations against Ugandan individuals and companies.
- Comments by the Uganda Government on the observation, conclusion and recommendations of the UN Panel.
- Recommendations by Uganda on the way forward.

II. POSITIVE ASPECTS OF THE FINAL REPORT

7. As pointed out in the press statement of 23 October 2002, (S/2002/1202), the Government of Uganda noted that the Final report of the UN Panel contains a number of positive elements, which are:

- A more balanced scope of investigation covering, inter-alia, the end-user countries outside Africa and strong support for the building of state institutions, capable of administering the natural resources and territorial sovereignty of the DRC.
- Recognition of the fact that the Republic of Uganda established the Porter Judicial Commission of Inquiry[2] as an internal mechanism to address the allegations of illegal exploitation of the natural resources of the DRC, in accordance with the UN Security Council recommendations of 4 May and 19 December 2001. The UN Panel also made a positive effort to cooperate and share information with the Porter Commission, in spite of the marked differences between the Panel and Commission on methods of investigation.
- **Confirmation of the fact that neither the Uganda Government nor any of its companies are involved in the illegal exploitation of the natural resources of the DRC.** Indeed, the Addendum Report of the UN Panel (November 2001), concluded that Uganda's involvement in the DRC was based on (a) a bilateral protocol between Kampala and Kinshasa of 26 April 1998 and (b) the legitimate security concerns emanating from the threat posed by the negative forces operating in Eastern DRC, i.e., the ADF, WNBF, UNRF II and the more recently formed PRA.
- **Sharing the view by Uganda that an embargo or moratorium on exports of natural resources from the DRC 'would not be a viable means of helping the situation of the Country's Government, citizens or the natural environment'.** As Uganda stated in the Response to the Addendum Report (S/2001/1163), such a moratorium would not only be difficult to enforce, but would hugely hurt the Congolese small-scale farmers and artisan miners whose livelihood entirely depends on earnings from the traditional cross-border trade.
- **By covering the end-user countries, the Final Report brought in the missing link and improved the scope of investigation to cover all parties involved in the DRC.** Indeed, a deeper historical analysis of the companies and criminal organisations based outside Africa would definitely help us to understand the failure to build viable state institutions and structures in the DRC since the era of King Leopold II of Belgium.

[2] Terms of reference for the Porter Commission, contained in Legal Notice No. 5/2001 of 5 May 2001, are reflected in UNSC document S/2001/1163.

- **Recognising the importance and centrality of the urgent implementation of the Lusaka Ceasefire Agreement including the DDRRR, withdrawal of foreign forces, and the establishment of an all-inclusive transitional Government in Kinshasa.** It underscores the fact that the establishment of a new and stable political dispensation which has the necessary state institutions and structures for administering the territory is the only guarantee to (a) guarding against any illegal exploitation by local or international criminal organisations, (b) ensuring that the territory of DRC does not harbour terrorist groups against regional neighbours.

- **Focus of the recommendations in the Final Report on creating conditions and incentives for (a) encouraging all parties to implement their obligations in the Lusaka Ceasefire Agreement, the related Pretoria and Luanda Agreements as well as the Sun City resolutions,** (b) deepening regional integration, (c) strong international financial support for building state institutions in the DRC, (d) post-conflict reconstruction in the DRC and regional neighours, (e) deterring international organised crime syndicates from continued illegal activites in the DRC.

III. MAJOR FLAWS IN THE FINAL REPORT

Downplaying Uganda's Security Concerns in Eastern DRC

8. **Unlike the Addendum Report of November 2001, the Final Report completely ignores Uganda's legitimate security concerns** as recognised in the Lusaka Ceasefire Agreement (1999), the relevant UN Security Council resolutions and the Uganda/DRC Bilateral Agreement of 6 September 2002 in Luanda, Angola.

9. **Uganda got involved in the DRC as a result of the genuine security concerns.** These included the operations of the terrorist groups including ADF, WNBF, UNRF II, NALU, the recently-established PRA and other negative forces such as the genocidal Ex-FAR and the Interahamwe. These groups have used the territory of the DRC to launch persistent and indiscriminate terrorist attacks on the people of Uganda. Examples include the grisly Mpondwe (1996), Kichwamba (1998) and Bwindi terrorist massacres in Uganda (1999). Persistent Interahamwe attacks in Kisoro District continue. A bilateral protocol between Uganda and the DRC of April 1998 allowed the Uganda People Defence Forces (UPDF) to pursue the terrorist groups.

Application of an Invalid Hypothesis to Uganda

10. **The concept or hypothesis of the alleged 'elite networks'**, which are claimed to have curved out separate self-financing areas and are responsible for the continuation of micro-conflicts over natural resources and revenues in the DRC is **fundamentally flawed and invalid in the case of Uganda.** A simple SWOT/test analysis reveals that the basic assumptions of the hypothesis are wrong, the evidence of the existence of Ugandan 'elite networks' is untenable and the motive of the hypothesis is ill intentioned. For example:

- The hypothesis makes the wrong assumption that RCD-K/ML and MLC are "mere facades" and "militias" in the so-called 'Ugandan controlled area'. Uganda has since May 2001 withdrawn from the DRC, except for one battalion in Bunia at the request of the UN Secretary-General. Uganda is committed to complete withdrawal under the Lusaka Ceasefire and the Luanda Agreements. MLC and RCD-ML are effectively responsible for administration, economic management and justice in their respective areas of control as recognised under the Lusaka Ceasefire Agreement and by the UN Security Council.

- The UN Panel does not appear to be cognisant of the history of the DRC since the King Leopold II era including the fact that Uganda has been a victim of repeated terrorist attacks from DRC territory.

- The evidence adduced by the UN Panel does not establish the existence of a link between the Ugandan actors cited and any 'elite network' in the so-called 'Ugandan controlled area'.

- The UN Panel seems to have been at pains to find any evidence/data that would serve the purpose of down playing Uganda's security concerns and demonising or tarnishing the image of Uganda.

Methodology

11. The composition of the UN Panel and their method of investigation do not demonstrate capacity to sift through deliberate falsehoods, war propaganda and political intrigue involved in the conflict in the DRC. In a conflict situation like in the DRC, information from walk-ins, motivated volunteers and traditional enemies (e.g., Lendu/Hema) requires a higher level of proof and corroboration than was apparently applied by the UN Panel. People can only achieve this with the expert knowledge about the history and the cultural complexity of the inter-linked conflicts in the Great Lakes Region. It is also unprofessional and dishonest to extrapolate data from surveys from one region in the vast DRC to meaningfully interpret a serious humanitarian situation in another area (Para 131). Clarifying the alleged UPDF negative motive in Bunia, the UN Panel bases on (Para 123) the claim by RCD K/ML department chiefs – who are Lendu allied chiefs – that the Hema businessmen interests in controlling gold deposits in Geti was the underlying cause of ethnic conflict in Bunia, yet history shows that neither the Hema, nor the Lendu, have any kind words for each other.

Poor Corroboration of Evidence

12. The UN Panel asserts in paragraphs 7 & 8 that it relied on well substantiated and independently corroborated evidence by documents and eye-witnesses and that the Panel operated under a reasonable standard of proof with fairness and objectivity. Unfortunately, the Final Report still contains statements with serious factual errors, un-corroborated information, contradictions and clear distortions. For example:-

- The UN Panel alleges that a Protocol d'Accord was signed on 22 February 2002 between RCD-K/ML leadership and Col. Mayombo on behalf of Uganda Government whereby UPDF was promised a monthly stipend of $25,000 and exemption of Ugandan companies from duties and import tax. The alleged Protocol d'Accord does not exist (Para 122).

- The Panel misrepresents the mandate of the Porter Commission of Inquiry with regard to the scope of investigation on army officers, and its relationship with the Minister of Foreign Affairs and the President. The truth of the matter is that the Porter Commission has the judicial powers of the High Court and is independent of the Executive. As a consequence, the Commission has the powers to subpoena witnesses, documents and cause audits (Para 137).

- The report in Para 116 refers to 'Parliamentarian' Sam Engola. Mr. Engola, who is a Ugandan businessman, has never been a member of any Uganda Parliament.

- The Panel makes rather contradictory observations in their analysis and evaluation of the evidence they relied upon and their collaboration with the Porter Commission as regards the general principles in handling criminal allegations. The Panel does not seem to consider caution of authenticity of sources of information, which are not subject to scrutiny. They do not appear to consider the gravity of indicting people, governments and companies on evidence that may be forged or false.

IV. ALLEGATIONS AGAINST GOVERNMENT OF UGANDA/UPDF

13. The UN Panel makes a number of uncorroborated allegations against the Uganda Government/UPDF.

14. **False Allegation 1. That the UPDF presence in the Eastern DRC is the cause of the instability designed to create conditions for the continued illegal exploitation of resources of the DRC. For example:-**

Para 12... Criminal groups linked to the armies of... Uganda... [Among other countries]...

Para 14 The Uganda Peoples' Defense Forces continue to provoke ethnic conflicts, as in the past, clearly cognisant that the unrest in Ituri will require the continued presence of a minimum presence of UPDF personnel.

Para 101 UPDF and their associated rebel militias have been used as the de facto enforcement arm of the network.

Para 102 in anticipation of this withdrawal a paramilitary force is being trained under Lt. Gen. Saleh, which according to the panel's sources is expected to continue to facilitate the commercial activities of UPDF officers after UPDF has left.

15. **Response**

- The UPDF is a national army with no official or un-official links with any criminal groups. It is unfair to make such an allegation against the institution of the UPDF without naming the criminal groups.

- The UPDF remains in the DRC at the request of the UN Secretary General in his letter of 4th May 2001 as a stabilising force in Bunia in support of the Lusaka Ceasefire Agreement. The Secretary-General requested the withdrawal of UPDF in the context of the disengagement process.

- Uganda has signed bilateral agreements with the DRC such as the Luanda Agreement of 6 September 2002 on the total withdrawal of UPDF and the Ituri Pacification Commission.

- The Hema/Lendu conflict is historical and was triggered off by a fight for land. The late Mobutu compounded it when he took sides with the Hema against the Lendu by giving them land. The UPDF, therefore, did not create this conflict. Facts on the ground clearly demonstrate that the security situation in all the other areas where the UPDF withdrew such as Gbadolite, Gamena, Buta, Beni, etc., there is relative peace. Many of these areas have more natural resources and population than Bunia, where there has been persistent Hema/Lendu ethnic conflict over land.

- The UN Security Council will recall that Uganda has on various occasions appealed for the deployment of a sufficient MONUC force to take care of law and order in Ituri so that UPDF withdraws but MONUC has not been able to do so. Uganda is committed to the total withdrawal of UPDF from Bunia in 100 days from the D-day of 6 September 2002 as stipulated in the Luanda Agreement.

16. **False allegation 2: False allegation that UPDF is maintaining local militias in Eastern DRC to protect the elite network.**

Para 101... The Uganda Peoples' Defence Forces and their associated rebel militias have been used as the de facto enforcement arm of the network, ensuring the network's pre-eminent commercial position through intimidation and threat and use of force...

Para 108... Coltan has been exploited extensively in Orientale Province by various armed groups under the protection of UPDF.... Armed groups frequently identified with militias under the command of UPDF officers manage site in remote locations where diggers pay a daily fee to exploit an area.

17. **Response**

- The Uganda government through UPDF has never trained any personal militias. The Government of Uganda trained armies on behalf of their allies, namely MLC and RCD-K/ML. The troops trained and put in the hands of MLC

continue to provide effective security and administration in the area under MLC control. Unfortunately RCD-ML/K has suffered numerous divisions in its leadership. As a result some of the troops are under Mbusa Nyamwisi in the Beni-Butembo area of North Kivu. The other group is under the former Defence Minister of RCD-ML, Tom Lubanga in parts of Ituri, who has since formed a political group called Union of Patriotic Congolese (UPC). The confusion in the final report arises from the UN Panel's failure to understand this historic background.

- This specific inference to UPDF as running militia groups and that it operates through intimidation is totally untrue. UPDF operates on a strict code of conduct, and where individual officers have misbehaved and there is implicating evidence they have always faced the law.

- The Army Statute 1989, the UPDF Code of Conduct, etc. and more recently the Porter Commission are a good testimony how UPDF cannot condone such acts as stated above. The government of the Republic of Uganda reiterates its position that, it is committed to the implementation of the Porter Commission recommendations.

- What logic is in an argument that armed groups are protected by UPDF? If the groups were armed would they need any protection, and protected from who and what! Why did the UN Panel not name these groups?

18. **False Allegation 3: That UPDF officers have been involved in extorting taxes from Congolese.**

Para. 115 But increased profit margins from tax-free imports provide only a fraction of the tax-free benefits. Equally lucrative is access to the taxes themselves monopolized by the network that uses the rebels' administration façade…

19. **Response**

- The details of this information, e.g., which units and officers involved should have been availed for scrutiny otherwise the claim remains a mere hearsay.

- This claim is false as it pretends that there are no rebel groups in the areas mentioned in the Eastern DRC. Both Lusaka and other agreements have recognised the different rebel actors, whose origin can be traced from failure by the Kinshasa administration to exercise effective leadership in the area.

- Uganda believes that the war situation, which was provoked by failure of Kinshasa to extend leadership into these places, leading to the presence of marauding ADF rebels and more recently PRA elements and other negative forces in the DRC are the real problem behind the criminality in the Eastern DRC.

20. **Allegation 4: That UPDF has been involved in stealing cattle and forcing the locals to give them hides.**

Para 117…The representative of Food and Agriculture Organisation of the United Nations in Bunia has reported the more recent UPDF practice of offering protection to ranches against attacks they themselves have orchestrated.

Para 122… UPDF have created the conditions that require the presence of troops and their continued involvement in the commercial operations. This has entailed giving arms to both sides in the ethnic conflict, the Lendu and the Hema. The consequent increase in ethnic fighting has resulted in the UPDF being urged to assist in furthering the peace process in Bunia.

….This function was formalised in an official protocol d'Accord signed on 22 February 2002 by Mbusa and John Tibasiima as the President and Vice President of the RCD-K/ML and Col. Mayombo as the official representative of the Government of Uganda…

Para 124…UPDF military operations have contributed to the arming of large numbers. UPDF have trained the militia of their Ituri commercial allies…

21. **Response**

- The allegation that UPDF is involved in stealing of cattle in Bunia is false. However, if individuals have been involved, the Panel should be able to give the number of cattle stolen, and the officers involved and from which units these officers came for necessary disciplinary action by Government.

- The alleged statement of proof about Col. Mayombo signing a document as an official representative of Uganda Government is not only untrue but also seems to be consistent with the falsehood the Panel decided to swallow. The Panel had a chance to meet Mayombo but could not raise a question about the claim to him. This method of doing work casts doubt on the transparency of the Panel in gathering information.

- Apart from it being a lie, it creates an impression that UPDF units in the DRC could depend on $25,000 a month. It is ridiculous to state that UPDF depends on $25,000 to stay in the DRC.

22. **Allegation 5: Paras. 102, 103, 121, 122 contain a muddled analysis of the power play in Eastern DRC resulting into some important conclusion:**

That Lt. Gen. Saleh is training private militia... made up of RCD, Congo. That UPDF officers are intent on breaking up MLC in order to boost members from RCD-Congo. That there is an attempt to replace Mbusa Nyamwisi with Roger Lumbala of RCD Nationale. Thomas Lubanga is replacing Mbusa Nyamwisi in Ituri, etc.

23. **Response**

- RCD Congo is a splinter group from RCD Goma and is allied to Kinshasa government following the Sun City Agreement and is therefore not anybody's personal militia.

- Roger Lumbala of RCD Nationale is allied to MLC of Jean Pierre Bemba. RCD Nationale has been in conflict with RCD K/ML. So its leader is not being groomed by any party to replace Mbusa Nyamwisi.

- There is no evidence adduced to suggest that UPDF officers are in the process of undermining Bemba, to bring about his downfall.

- RCD K/ML is allied to the Kinshasa government and has been receiving military and other support from the Kinshasa government.

- RCD K/ML has been arming and training the Lendu against the Hema in Ituri region. So Hema elements within RCD K/ML have consequently deserted to form the UPC under former RCD K/ML Defence Minister Thomas Lubanga.

- The UPC has sought alternative sources of arms citing refusal of UPDF to arm them.

- The Hema/Lendu conflict is historical and is about land. It is there not as a result of arrival of UPDF in Ituri.

- Ituri is not the most resource rich area where UPDF has been in Congo. The other areas vacated by UPDF are devoid of ethnic strife. That UPDF is fanning ethnic conflict to maintain criminal elite networks is therefore preposterous.

24. **Allegation 6: That 165 children between 14-16 years of age were recruited and trained at a UPDF military camp at Kyankwanzi in Uganda (Para 129).**

25. **Response**

Kyankwanzi is a National Leadership Institute and not a military training camp. The children were rescued from a mutiny by Mbusa Nyamwisi and John Tibasiima against the leadership of RCD-K under Prof. Wamba dia Wamba in Bunia and taken to the Kyankwanzi leadership institute for care and counselling in 2001. The children were subsequently handed over to UNICEF Uganda and the Red Cross, which in turn put the children under the care of World Vision at Kiryandongo in Uganda. UNICEF Kinshasa arranged to receive and re-unite the children with families after the conflict had eased. The unspecified numbers of recruits being trained in unstated location for the extremist Hema militia, 60% of who are supposed to be under 18, have nothing to do with Uganda.

V. ALLEGATIONS AGAINST UGANDAN MILITARY OFFICERS AND OTHER INDIVIDUALS

26. The Government of Uganda has noted with concern the allegations of continued involvement of Uganda military officers and businessmen in the illegal exploitation of natural resources, diversion of taxes and other revenue generation activities in Eastern DRC.

27. The Government of Uganda established the Judicial Commission of Inquiry into the Illegal Exploitation of Natural Resources of the DRC, May 2001, under the chairmanship of Justice Porter (UK). Other members of the Commission are Justice Berko (Ghana) and Mr. John Rwambuya, a retired Ugandan Senior UN Civil Servant (official). The Porter Commission has cooperated with the UN Panel on a number of source material/evidence.

28. It should be noted that the final Porter Commission Report will be released soon. The Government of Uganda reiterates its commitment to the implementation of the recommendations of the Report. The government of Uganda will, therefore, await the release of the Porter Commission Report, before making any comments on the allegations against specific Ugandan senior military officers and business people.

Individual Liability Vs Official Liability

29. However, we feel that there is need to comment on the issues where official liability and individual liability have been mixed up. It is not clear from the UN Panel Report to discern allegations of illegality/illicit activities of the individual UPDF officers done in personal capacity from those activities considered illegal/illicit committed while acting in official capacity. For example:

(a) In Para 102 the Report alleges that in anticipation of the withdrawal from DRC by UPDF, a paramilitary force is being trained by Lt. Gen. Saleh which is being prepared to continue to facilitate the commercial activities of UPDF officers after UPDF has departed from the DRC.

Comment:

- As a matter of policy and law, Uganda government does not allow, encourage, or condone the establishment of personal armies. In this context, it is important to note that the alleged personal para-military force does not exist as explained in paragraph above.

(b) In Para 122 – the Panel claims that in order for UPDF to formalise the condition for its continued presence, Col. Mayombo (CMI) signed a protocol of Accord with RCD/ML as an official representative of the Government, for a monthly stipend of $25,000 and all Uganda enterprises approved by UPDF would be exonerated all duties and taxes.

Comment:

- The alleged Accord does not exist in government records.

- Col. Mayombo as chief of Intelligence had opportunity to meet the Panel, and if this Accord existed, the issue should have been raised with him or government of Uganda in order to provide a fair hearing, as required by the Panel's mandate (S/PRST/2001/13).

VI. OBSERVATIONS AND CONCLUSIONS OF THE UN PANEL OF EXPERTS

30. The Uganda Government agrees with the following observations of the UN Panel of Experts:

(a) That the situation in the DRC is a consequence of the lack of a central government with the authority and capacity to protect its citizens and resources (Para 149). However, it should be noted that this situation is not a new phenomenon, but has been a feature of the recurring history of the DRC from the time of King Leopold II of Belgium to the establishment of the predatory state of the late President Mobutu. The four years of war have only exacerbated the already existing situation.

(b) That the early establishment of an all inclusive transitional Government in the DRC would be a positive step towards halting the exploitation of Natural Resources (Para 151). This has been the consistent view of signatories of Lusaka Ceasefire Agreement. However, the key to the issue of continued monitoring should be with the new political dispensation in the DRC.

31. Uganda, however, disagrees with the following observations by the UN Panel:

(a) That the withdrawal of foreign troops will not end the illegal exploitation of natural resources because of the existence of networks to continue with the exploitation thereafter (Para 150). In the case of Uganda, there is no proof of the existence of such networks.

(b) That it is the political will of those involved with the networks that would halt the illegal exploitation of resources in the DRC and that the Lusaka, Pretoria and Luanda Agreements do not address the economic component of the conflict (Para 152). The whole observation is incorrect given the following facts:

- The Lusaka Ceasefire Agreement and the Luanda Agreement are strong and clear statements of political will and commitment.
- The Lusaka agreement establishes a framework for the building of a strong state able to, inter-alia, create conditions for economic developments.
- The sun city resolutions include a chapter addressing financial and economic issues.
- Article 6 of the Luanda agreement addresses the social economic issues of trade and investment, which are to be implemented through a Joint Permanent Commission for Cooperation between Uganda and the DRC.

Conclusions of the UN Panel of Experts

32. Uganda welcomes the conclusion that an Embargo or a moratorium banning exports of raw materials originating in the Democratic Republic of the Congo is not viable because it would hurt the citizens, government and the natural environment.

33. We also welcome the principle of punitive measures to be taken against those who are involved in the illegal exploitation of the natural resources (Para 155). However, any sanctions against individuals or companies should be applied as a result of a judicial process.

34. Uganda also agrees with the conclusion that disincentives be enacted to put pressure in case of non-compliance with the Lusaka Ceasefire, Pretoria and Luanda Agreements signed (Para 159). This has long been the lacking component to expedite the implementation of these agreements.

35. On the proposal to hold a Regional International Conference on peace, security, democracy and sustainable development in the Great Lakes region (Para 160), Uganda reiterates its view that this conference should be held after implementing the Lusaka Ceasefire Agreement. This would avoid undermining the regional consensus encapsulated in this agreement and the current momentum of troops withdrawal provided for under the Pretoria and Luanda Agreements. Economic Regional Integration is welcome idea and can be achieved within the framework of the African Union/NEPAD.

VII: RECOMMENDATIONS OF THE UN PANEL OF EXPERTS

36. Uganda would like to make comments on the following recommendations:

Panel's Recommendation (Para. 162)

Regional economic integration and trade could be the focus of an agreement or set of agreements that could emerge from discussions regionally, including at the International Conference on peace, security and sustainable development.

Comments:

The International Conference on the Great Lakes Region should be held after the implementation of the Lusaka, Pretoria and Luanda Agreements. However, to avoid duplication and waste of resources, the international conference should be held within the framework of the African Union/NEPAD.

37. **Panel's Recommendation (Para 163)**

Reconstructing and reforming the state institutions of the Democratic Republic of Congo, particularly the state's capacity to secure its territory and borders.

Comments:

Uganda welcomes the idea of a strong Government in the DRC able to control the country's natural resources and borders so that its territory is not used to destabilize her regional neighbours.

38. **Panel's Recommendation (Para 170)**

The Governments of the countries where the individuals, companies and financial institutions that are systematically and actively involved in these activites are based should assume their share of the responsibility.

39. **Comments:**

Uganda welcomes the idea of governments taking responsibility to use the evidence adduced by the panel to subject to trial and conviction of individuals and entities operating within their respective borders. Uganda has established a Judicial Commission of Inquiry headed by Justice Porter and would encourage others, especially the end-user countries to do likewise.

40. **Panel's Recommendations (Paras 174-176)**

Restrictions on business enterprises and individuals. Travel bans, freezing personal assets of persons involved in illegal exploitation and barring selected companies and individuals from accessing banking facilities and other financial institutions from receiving funding.

Comments:

Uganda would support the above measures to be taken provided that the individuals and companies implicated by the UN Panel of experts are first subjected to a judicial process.

41. **Panel's Recommendation (Para 179)**

Promotion of post-conflict peace-building programmes including regional integration, capacity-building…

Comments:

Uganda strongly supports and endorses the recommendation for the strengthening of regional integration and capacity building as part of the post-conflict peace building programme. These should be the priority areas for the UN and the international community to assist Africa in the implementation of NEPAD.

42. **Panel's Recommendations (Paras 186 & 187)**

There is need for a monitoring process to scrutinise the situation in the Great Lakes region to ensure that those exploitation activities are significantly curbed.

Comments:

Uganda is of the view that after the establishment of a strong and capable central Government in the DRC under the Lusaka Ceasefire Agreement and beyond, the idea of continued monitoring will not be necessary. In any case the decision on this should be the responsibility of the new political dispensation in the DRC.

VIII. WAY FORWARD

43. **Uganda remains convinced that the UN Security Council should put priority emphasis on the speedy implementation of the Lusaka Ceasefire Agreement and the supporting agreements made in Pretoria and Luanda. This will lead to the establishment of a new transitional government and state capacity to guarantee against the illegal exploitation of the natural resources and other forms of wealth of the DRC.**

44. The speedy implementation of disarmament, demobilisation, reintegration, repatriation and resettlement (DDRRR) still remains key to peace and security in the Great Lakes region. Uganda, therefore, calls upon the UN Security Council to strengthen MONUC and support capacity building programmes for peace-keeping/building by African countries in order to implement DDRRR.

45. The way forward for Ituri is through the implementation of Luanda Agreement that provides for the Pacification Commission. The International Community should provide adequate material support for the Ituri Pacification Commission. The UN Security Council at this stage should assume its responsibility and provide adequate deployment of MONUC for the purpose of maintaining law and order in the area, given the fact that UPDF is committed under the Luanda Agreement to complete withdrawal from Bunia by 15 December 2002.

46. The proposed international conference on peace, security and sustainable development should take place under the auspices of the UN and AU soon after the establishment of the transitional governments in Burundi and the DRC. Issues to be discussed at the international/regional conference for the Great Lakes should include:

- **Post-conflict rehabilitation, reconstruction and development in the Great Lakes Region.**
- **Measures to support the deepening of regional/economic integration especially in infrastructure and human resources development.**
- **Capacity-building for peace-keeping/building and conflict resolutions.**
- **Strengthening AU capacity to monitor the post-conflict reconstruction in the context of NEPAD.**

47. Uganda calls upon the countries cited in the Final Report including the end-user countries, to establish independent Judicial Mechanisms to investigate and recommend appropriate actions on allegations of illegal exploitation of the natural resource of the DRC. The UN Secretary-General should cooperate and share information with the member states who wish to establish such judicial mechanisms. Uganda would be happy to share with other countries the experience from the work of Porter Commission of Inquiry in the illegal exploitation of the natural resources and other forms of wealth of the DRC. It is in this context that individual and companied/entities mentioned can be fairly tried and punished.

Kampala, Uganda.

1st November, 2002